



General Assembly

**Substitute Bill No. 7015**

January Session, 2017



**AN ACT CONCERNING DEBIT CARD FRAUD AND PENALTIES FOR  
COLLECTION OF RENTAL PAYMENTS ON FORECLOSED  
PROPERTY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-128a of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2017*):

3 As used in this section and sections 53a-128b to 53a-128i, inclusive,  
4 as amended by this act:

5 (a) "Cardholder" or "holder of a card" means the person named on  
6 the face of a [credit] payment card to whom or for whose benefit the  
7 [credit] payment card is issued by an issuer or, in the case of a  
8 payment card that does not bear that name of a person on its face, the  
9 person who lawfully acquired the payment card;

10 (b) "Credit card" means any instrument or device, whether known  
11 as a credit card, as a credit plate, or by any other name, issued with or  
12 without fee by an issuer for the use of the cardholder in obtaining  
13 money, goods, services or anything else of value on credit;

14 (c) "Debit card" means any card, code, device or other means of  
15 access, or any combination thereof, that is issued or authorized for use  
16 to debit an asset account held directly or indirectly by a financial

17 institution and that may be used by the cardholder to obtain money,  
18 goods, services or anything else of value, regardless of whether the  
19 card, code, device or other means of access, or any combination  
20 thereof, is known as a debit card. "Debit card" includes, but is not  
21 limited to, cards, codes, devices or other means of access or some  
22 combination thereof, commonly known as payroll cards and  
23 automated teller machine cards. "Debit card" does not include a check,  
24 draft or similar paper instrument, or an electronic representation  
25 thereof;

26 (d) "Digital wallet" means a software application that is used on a  
27 computer or other device, including, but not limited to, a mobile  
28 device, to store digital forms of one or more payment cards that may  
29 be used to obtain money, goods, services or anything else of value;

30 [(c) "Expired credit card"] (e) "Expired payment card" means a  
31 [credit] payment card [which] that is no longer valid because the term  
32 shown on it has elapsed;

33 [(d)] (f) "Issuer" means the person [which] that issues a [credit]  
34 payment card, or its agent duly authorized for that purpose;

35 [(e)] (g) "Participating party" means any person or any duly  
36 authorized agent of such person, [which] that is obligated by contract  
37 to acquire from another person providing money, goods, services or  
38 anything else of value, a sales slip, sales draft or instrument for the  
39 payment of money, evidencing a [credit] payment card transaction,  
40 and from whom, directly or indirectly, the issuer is obligated by  
41 contract to acquire such sales slip, sales draft, instrument for the  
42 payment of money and the like;

43 (h) "Payment card" means either a credit card or a debit card;

44 [(f)] (i) "Receives" or "receiving" means acquiring possession,  
45 custody or control;

46 [(g) "Revoked credit card"] (j) "Revoked payment card" means a

47 [credit] payment card [which] that is no longer valid because  
48 permission to use it has been suspended or terminated by the issuer.

49 Sec. 2. Section 53a-128b of the general statutes is repealed and the  
50 following is substituted in lieu thereof (*Effective October 1, 2017*):

51 Any person who makes or causes to be made, either directly or  
52 indirectly, any false statement in writing, knowing it to be false and  
53 with intent that it be relied on, respecting [his] such person's identity  
54 or [that] the identity of any other person or [his] such person's financial  
55 condition or that of any other person, for the purpose of procuring the  
56 issuance of a [credit] payment card or loading the payment card into a  
57 digital wallet, violates this section and is subject to the penalties set  
58 forth in subsection (a) of section 53a-128i.

59 Sec. 3. Section 53a-128c of the general statutes is repealed and the  
60 following is substituted in lieu thereof (*Effective October 1, 2017*):

61 (a) Any person who takes a [credit] payment card from the person,  
62 possession, custody or control of another without the consent of the  
63 cardholder or of the issuer or who, with knowledge that it has been so  
64 taken, receives the [credit] payment card with intent to use it or to sell  
65 it, or to transfer it to any person other than the issuer or the cardholder  
66 is guilty of [credit] payment card theft and is subject to the penalties  
67 set forth in subsection (a) of section 53a-128i. Taking a [credit] payment  
68 card without consent includes obtaining it by conduct defined or  
69 known as statutory larceny, common law larceny by trespassory  
70 taking, common law larceny by trick, embezzlement, or obtaining  
71 property by false pretense, false promise or extortion.

72 (b) Any person who receives a [credit] payment card that [he] such  
73 person knows to have been lost, mislaid, or delivered under a mistake  
74 as to the identity or address of the cardholder, and who retains  
75 possession, custody or control thereof with intent to use it or to sell it  
76 or to transfer it to any person other than the issuer or the cardholder, is  
77 guilty of [credit] payment card theft and is subject to the penalties set

78     forth in subsection (a) of section 53a-128i.

79         (c) Any person other than the issuer who sells a [credit] payment  
80     card or any person who buys a [credit] payment card from a person  
81     other than the issuer violates this subsection and is subject to the  
82     penalties set forth in subsection (a) of section 53a-128i.

83         (d) Any person who, with intent to defraud the issuer, a  
84     participating party, or a person providing money, goods, services or  
85     anything else of value, or any other person, obtains control over a  
86     [credit] payment card as security for debt violates this subsection and  
87     is subject to the penalties set forth in subsection (a) of section 53a-128i.

88         (e) Any person, other than the issuer, who, during any twelve-  
89     month period, receives [credit] payment cards issued in the names of  
90     two or more persons which [he] such person has reason to know were  
91     taken or retained under circumstances which constitute [credit]  
92     payment card theft or a violation of section 53a-128b, as amended by  
93     this act, or subsection (c) or (d) of this section violates this subsection  
94     and is subject to the penalties set forth in subsection (b) of section 53a-  
95     128i.

96         (f) Any person who, with intent to defraud a purported issuer, a  
97     participating party, or a person providing money, goods, services or  
98     anything else of value, or any other person, falsely makes or falsely  
99     embosses a purported [credit] payment card or falsely loads or causes  
100    to be falsely loaded a payment card into a digital wallet or utters such  
101    a [credit] payment card is guilty of [credit] payment card forgery and  
102    is subject to the penalties set forth in subsection (b) of section 53a-128i.  
103    A person "falsely makes" a [credit] payment card when [he] such  
104    person makes or draws, in whole or in part, a device or instrument  
105    which purports to be the [credit] payment card of a named issuer but  
106    which is not such a [credit] payment card because the issuer did not  
107    authorize the making or drawing, or when such person so alters a  
108    [credit] payment card which was validly issued. A person "falsely  
109    embosses" a [credit] payment card when, without the authorization of

110 the named issuer, [he] such person completes a [credit] payment card  
111 by adding any of the matter, other than the signature of the  
112 cardholder, which an issuer requires to appear on the [credit] payment  
113 card before it can be used by a cardholder. A person "falsely loads" or  
114 "causes to be falsely loaded" a payment card into a digital wallet when  
115 such person stores or causes to be stored on a digital wallet the digital  
116 form of (1) a payment card falsely made or falsely embossed by such  
117 person, (2) a payment card taken, procured, received or retained by  
118 such person under circumstances that constitute a violation of this  
119 section or section 53a-128b, as amended by this act, or (3) a payment  
120 card that such person knows is falsely made, falsely embossed, forged,  
121 expired or revoked.

122 (g) Any person other than the cardholder or any person authorized  
123 by [him] the cardholder who, with intent to defraud the issuer, a  
124 participating party, or a person providing money, goods, services or  
125 anything else of value, or any other person, signs a [credit] payment  
126 card, violates this subsection and is subject to the penalties set forth in  
127 subsection (a) of section 53a-128i.

128 Sec. 4. Section 53a-128d of the general statutes is repealed and the  
129 following is substituted in lieu thereof (*Effective October 1, 2017*):

130 Any person who, with intent to defraud the issuer, a participating  
131 party, or a person providing money, goods, services or anything else of  
132 value, or any other person, (1) uses for the purpose of obtaining  
133 money, goods, services or anything else of value a [credit] payment  
134 card obtained or retained in violation of section 53a-128b, as amended  
135 by this act, or a [credit] payment card which [he] such person knows is  
136 forged, expired or revoked, or (2) obtains money, goods, services or  
137 anything else of value by representing without the consent of the  
138 cardholder that [he] such person is the holder of a specified card or by  
139 representing that [he] such person is the holder of a card and such card  
140 has not in fact been issued, or (3) uses a [credit] payment card obtained  
141 or retained in violation of section 53a-128c, as amended by this act, or a  
142 [credit] payment card which [he] such person knows is forged, expired

143 or revoked, as authority or identification to cash or to attempt to cash  
144 or otherwise to negotiate or transfer or to attempt to negotiate or  
145 transfer any check or other order for the payment of money, whether  
146 or not negotiable, if such negotiation or transfer or attempt to negotiate  
147 or transfer would constitute a violation of section 53a-128 violates this  
148 subsection and is subject to the penalties set forth in subsection (a) of  
149 section 53a-128i, if the value of all money, goods, services and other  
150 things of value obtained in violation of this subsection does not exceed  
151 five hundred dollars in any six-month period; and is subject to the  
152 penalties set forth in subsection (b) of section 53a-128i, if such value  
153 does exceed five hundred dollars in any such six-month period.  
154 Knowledge of revocation shall be presumed to have been received by a  
155 cardholder four days after it has been mailed to [him] such cardholder,  
156 at the address set forth on the [credit] payment card or at [his] such  
157 cardholder's last-known address. [, by registered or certified mail,  
158 return receipt requested, and, if, the address is more than five hundred  
159 miles from the place of mailing, by air mail.] If the address is located  
160 outside the United States, Puerto Rico, the Virgin Islands, the Canal  
161 Zone or Canada, notice shall be presumed to have been received ten  
162 days after mailing by registered or certified mail.

163 Sec. 5. Section 53a-128e of the general statutes is repealed and the  
164 following is substituted in lieu thereof (*Effective October 1, 2017*):

165 (a) Any person who is authorized by an issuer or a participating  
166 party to furnish money, goods, services or anything else of value upon  
167 presentation of a [credit] payment card by the cardholder, or any agent  
168 or employee of such person, who, with intent to defraud the issuer, or  
169 participating party, the cardholder, or any other person furnishes  
170 money, goods, services or anything else of value upon presentation of  
171 a [credit] payment card obtained or retained in violation of section 53a-  
172 128c, as amended by this act, or a [credit] payment card which [he]  
173 such person knows is forged, expired or revoked, violates this  
174 subsection and is subject to the penalties set forth in subsection (a) of  
175 section 53a-128i, if the value of all money, goods, services and other

176 things of value furnished in violation of this subsection does not  
177 exceed five hundred dollars in any six-month period; and is subject to  
178 the penalties set forth in subsection (b) of section 53a-128i if such value  
179 does exceed five hundred dollars in any such six-month period.

180 (b) Any person who is authorized by an issuer or a participating  
181 party to furnish money, goods, services or anything else of value upon  
182 presentation of a [credit] payment card by the cardholder, or any agent  
183 or employee of such person, who, with intent to defraud the issuer, a  
184 participating party, the cardholder, or any other person fails to furnish  
185 money, goods, services or anything else of value which [he] such  
186 person represents in writing to the issuer or participating party that  
187 [he] such person has furnished violates this subsection and is subject to  
188 the penalties set forth in subsection (a) of section 53a-128i, if the  
189 difference between the value of all money, goods, services and  
190 anything else of value actually furnished and the value represented to  
191 the issuer or participating party to have been furnished does not  
192 exceed five hundred dollars in any six-month period; and is subject to  
193 the penalties set forth in subsection (b) of section 53a-128i if such  
194 difference does exceed five hundred dollars in any such six-month  
195 period.

196 Sec. 6. Section 53a-128f of the general statutes is repealed and the  
197 following is substituted in lieu thereof (*Effective October 1, 2017*):

198 Any person, other than the cardholder, having under [his] such  
199 person's possession, custody or control two or more incomplete  
200 [credit] payment cards, or possessing a purported distinctive element  
201 of a [credit] payment card, with intent to complete such incomplete  
202 [credit] payment cards or to utilize such purported distinctive element  
203 in the production or reproduction of any [credit] payment card,  
204 without the consent of the issuer, or a person having under [his] such  
205 person's possession, custody or control, with knowledge of its  
206 character, a distinctive element of any [credit] payment card or any  
207 machinery, plates or any contrivance designed to produce or  
208 reproduce instruments purporting to be the [credit] payment cards of

209 an issuer, or of any issuer in a group of issuers utilizing a common  
 210 distinctive element or elements in [credit] payment cards issued by all  
 211 members of such group, who has not consented to the production or  
 212 reproduction of such cards, violates this section and is subject to the  
 213 penalties set forth in subsection (b) of section 53a-128i. A [credit]  
 214 payment card is "incomplete" if part of the matter other than the  
 215 signature of the cardholder, which an issuer, or any issuer in a group  
 216 of issuers utilizing a common distinctive element or elements in  
 217 [credit] payments cards issued by all members of such group, requires  
 218 to appear on the [credit] payment card, before it can be used by a  
 219 cardholder, has not yet been stamped, embossed, imprinted or written  
 220 on it. A "distinctive element" of a [credit] payment card is any material  
 221 or component used in the fabrication of [credit] payment cards, which,  
 222 by virtue of such element's chemical or physical composition, color or  
 223 design, is unique to the [credit] payment cards issued by a particular  
 224 issuer or group of issuers utilizing a common distinctive element or  
 225 elements in [credit] payment cards issued by all members of such  
 226 group.

227       Sec. 7. (NEW) (*Effective October 1, 2017*) Any previous mortgagor of  
 228 real property against whom a final judgment of foreclosure has been  
 229 entered, who continues to collect rental payments on such property  
 230 after passage of such mortgagor's law day, and who has no legal right  
 231 to do so, shall be subject to the penalties for larceny under sections 53a-  
 232 122 to 53a-125b, inclusive, of the general statutes depending on the  
 233 amount involved.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	53a-128a
Sec. 2	<i>October 1, 2017</i>	53a-128b
Sec. 3	<i>October 1, 2017</i>	53a-128c
Sec. 4	<i>October 1, 2017</i>	53a-128d
Sec. 5	<i>October 1, 2017</i>	53a-128e
Sec. 6	<i>October 1, 2017</i>	53a-128f



Sec. 7	October 1, 2017	New section
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**BA**      *Joint Favorable Subst.*

**JUD**      *Joint Favorable*